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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE
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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 MARK BAUTISTA SERRANO,
14 Defendant.

Case No. CR17-223RSL

ORDER GRANTING
MOTION TO CONTINUE
TRIAL AND PRETRIAL
MOTIONS DEADLINE

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16 This matter comes before the Court on the defendant's unopposed "Motion to Continue
17 Trial and Pretrial Motions Deadline." Dkt. # 18. Having considered the facts set forth in the
18 motion, the defendant's knowing and voluntary waiver, and defense counsel's representation
19 that the United States does not oppose this motion, the Court finds as follows:

20 1. The Court adopts the facts set forth in the unopposed motion. Specifically, that
21 Mr. Serrano's first language is Tagalog, and counsel has thus far been unable to arrange for an
22 interpreter to effectively communicate with Mr. Serrano; and that defense counsel has received
23 notification that Mr. Serrano's wife tentatively retained private counsel and representation by
24 new counsel is in the process of being finalized. The Court accordingly finds that a failure to
25 grant a continuance would deny counsel, and any potential future counsel, the reasonable time
26 necessary for effective preparation, taking into account the exercise of due diligence, within the
27 meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
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1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested is a reasonable period of delay,
4 as defense counsel needs additional time to resolve language-barrier issues, to settle
5 representation issues, to investigate the matter, to gather evidence material to the defense, and to
6 consider possible defenses; and that the additional time requested between the current trial date
7 of November 20, 2017, and the proposed trial date of February 5, 2018, is necessary to provide
8 defense counsel reasonable time to prepare for trial considering all of the facts set forth above.

9 4. The Court further finds that such a continuance would serve the ends of justice,
10 and that these factors outweigh the best interests of the public and the defendant in a more
11 speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

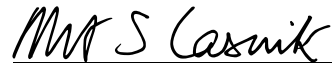
12 5. Defendant has signed a waiver indicating that he has been advised of his right to a
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
14 that right and consented to the continuation of his trial to a date up to and including February 28,
15 2018, Dkt. # 19, which will permit trial to start on February 5, 2018, per defense counsel's
16 request.

17 IT IS HEREBY ORDERED that the trial date be continued from November 20, 2017, to
18 February 5, 2018.

19 IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to
20 January 8, 2018.

21 IT IS FURTHER ORDERED that the period of time from the current trial date of
22 November 20, 2017, up to and including February 28, 2018, shall be excludable time pursuant to
23 the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to the filing and
24 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§
25 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

1 DATED this 19th day of October, 2017.
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5 Robert S. Lasnik
6 United States District Judge
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